

IN THE MATTER OF THE  
THE APPLICATION OF  
ROBERT LINDSEY, ET UX  
FOR VARIANCE ON PROPERTY  
LOCATED ON THE SOUTHWEST SIDE  
CIRCLE ROAD, 745' WEST OF  
CENTERLINE LAKE ROLAND DRIVE  
(1721 CIRCLE ROAD)  
9TH ELECTION DISTRICT  
4TH COUNCILMANIC DISTRICT

OPINION

This is an appeal from the decision of the Deputy Zoning Commissioner dated December 19, 1991 wherein Petitioners', Mr. and Mrs. Robert Lindsey, were granted a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a minimum lot width of 114 feet in lieu of the required minimum 150 feet for a proposed dwelling. Following the Deputy Zoning Commissioner's Order, an appeal was filed by the Protestants, Mrs. Albert Gorman and Will Gorman, and the matter came on for hearing before this Board on July 1, 1992. The Petitioners, although represented by counsel before the Deputy Zoning Commissioner, appeared before this Board in proper person. The Protestants appeared represented by J. Carroll Holzer, although they did not testify and no evidence was offered in opposition to the requested Petition.

The subject property is known as 1721 Circle Road located in the Ruxton area of Baltimore County. The property is subdivided into two lots of approximately one acre each, and is zoned D.R. 1. The Petitioner, Mrs. Lindsey, testified and offered into evidence as Petitioner's Exhibit No. 1 the plat to accompany her request for the variance. She informed the Board that, after her variance was granted by the Deputy Zoning Commissioner, she and her husband

Case No. 92-184-A Robert Lindsey, et ux

immediately began construction of the proposed home within the area where the variance was not required. She stated that it was their intention to build a home for her parents who had recently sold their home in New Jersey. The parents would be living at this location for approximately 4 months of the year, and their intentions were that they live there permanently later on. She explained to the Board that the house was built and construction was started immediately without using the variance because an appeal had been filed and the matter could be tied up in the zoning process for a long period of time, and that her parents would lose the benefit of deferred capital gains tax if construction did not begin. At the time of the hearing, the home was constructed and nearly completed, and is identified in red on Petitioner's Exhibit No. 1. The shaded proposed dwelling on the exhibit reflects where they wanted to construct the home after their variance was granted by the Deputy Zoning Commissioner but appealed to this Board.

In Mrs. Lindsey's opinion, the proposed home would be better suited on the rear of the property and not where it is presently located because it would be further away from Circle Road and a further distance from their driveway. It was also her opinion that there would be less impact upon the community at the proposed location.

In these proceedings, the only evidence and testimony that was presented was in the Petitioners' case. The Petitioners are asking for a variance and have in the meantime already built the dwelling. The burden of proving the need for a variance is upon the Petitioners, and they must show that the variance is needed because to do otherwise would create practical difficulty and/or undue

Case No. 92-184-A Robert Lindsey, et ux

hardship. The Board listened very attentively for any supporting evidence of practical difficulty or undue hardship. Regrettably, the Petitioners have failed in the presentation of their case to meet their burden of proof. It is unusual for this Board to have a case of this nature wherein a variance was requested, granted, and appealed to this Board, and that during the interim the Petitioners proceeded to build their home without using the variance. The mere fact that the Petitioners have already constructed the home without the variance tends to establish that no practical difficulty or undue hardship exists. While it may be more convenient for the dwelling to have been built further back on the property, it is not a necessity. Because of Petitioners' failure to meet the burden imposed upon them by the BCZR, this Board has no alternative but to deny the requested variance and will so order.

ORDER

IT IS THEREFORE this 21st day of July, 1992 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance to permit a minimum lot width of 114 feet in lieu of the required minimum 150 feet be and is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman

S. Diane Levero

Judson H. Lipowitz

IN RE: PETITION FOR ZONING VARIANCE  
SW/S Circle Road, 745' W of  
the c/l of Lake Roland Drive  
(1721 Circle Road)  
9th Election District  
4th Councilmanic District  
Robert Lindsey, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 114 feet in lieu of the minimum required 150 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioners, Robert and Stacy Lindsey, appeared, testified and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition were numerous residents of the area. Appearing as a Protestant in the matter was William Gorman, heir to the adjoining property owners.

Testimony indicated that the subject property, known as 1721 Circle Road, or proposed Lot 2 of the Lindsey Property, consists of 0.990 acres more or less, zoned D.R. 1, and is presently unimproved. Said property is part of a larger tract owned by Petitioners containing 1.908 acres more or less. Petitioners are desirous of subdividing their property to create two lots and constructing a single family dwelling on proposed Lot 2 for Mrs. Lindsey's parents. Mrs. Lindsey testified that the relief requested is necessary due to the layout of the lot and the location of an existing driveway and trees and shrubs thereon. Testimony revealed that the proposed dwelling could be built elsewhere on lot 2 without the need for a variance; however, the other locations would place the dwelling on

the corner of the existing driveway and require the removal of trees and shrubs. Further, Mrs. Lindsey is desirous of placing the proposed dwelling as far away from Circle Road as possible and at approximately the same setback as her home at 1719 Circle Road. Mrs. Lindsey testified that she contacted many of her neighbors and asked for their opinions concerning the location of the proposed dwelling. She testified that the location shown on Petitioner's Exhibit 1 was determined to be the most aesthetically pleasing and the most practical location for the proposed dwelling.

Appearing and testifying in opposition to Petitioners' request was William Gorman. Mr. Gorman is the heir apparent to the immediately adjoining property. Mr. Gorman testified he is concerned that the construction of the proposed dwelling would decrease property values in the neighborhood, thereby decreasing his inheritance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. In the opinion of this Deputy Zoning Commissioner, the location for the proposed dwelling is the most practical location and will not adversely affect the value of surrounding properties. Further, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of December, 1991 that the Petition for Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 114 feet in lieu of the minimum required 150 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with all Zoning Plans Advisory Committee comments submitted and made a part of the record.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

IN RE: PETITION FOR ZONING VARIANCE  
SW/S Circle Road, 745' W of  
the c/l of Lake Roland Drive  
(1721 Circle Road)  
9th Election District  
4th Councilmanic District  
Robert Lindsey, et ux  
Petitioner

NOTICE OF APPEAL

Protestants in the above captioned case, Mrs. Albert Gorman and Will Gorman, by and through their attorney, J. Carroll Holzer, hereby enter an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner dated December 19, 1991. Attached to this Notice is a check to cover the costs of the appeal.

J. CARROLL HOLZER  
Holzer, Maher, Desario & Lee  
305 West Chesapeake Avenue  
Suite 105  
Towson, Maryland 21204  
410-825-6960  
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 1992, a copy of the foregoing Notice of Appeal was mailed, postage pre-paid to: Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, Chd., 210 West Pennsylvania Avenue, Suite 700, Court Towers, Towson, Maryland 21204.

J. CARROLL HOLZER

c:\wp\not\lindsey.net

111 West Chesapeake Avenue  
Towson, MD 21204

SN7-3353

December 19, 1991

Newton A. Williams, Esquire  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
SW/S Circle Road, 745' W of the c/l of Lake Roland Drive  
(1721 Circle Road)  
9th Election District - 4th Councilmanic District  
Robert Lindsey, et ux - Petitioners  
Case No. 92-184-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 867-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

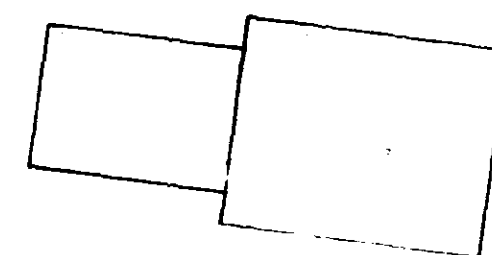
cc: Mr. William Gorman  
1701 Sulgrave Avenue, Baltimore, Md. 21209

Mr. Robert L. Tate  
600 Block W. West Street, Baltimore, Md. 21230

People's Counsel

116

- 1 THIS SITE LIES WITHIN COUNCILMANIC DISTRICT 4
- 2 THERE HAVE BEEN NO PRIOR ZONING HEARINGS
- 3 THIS SITE IS SERVED BY PUBLIC WATER AND PRIVATE SEPTIC
- 4 EX. 10 2/11/02 11:11



*Ned Lintz*  
~~EDMOND \* SUSAN CASHMOM~~  
0908304900  
5280 / BOS  
RESIDENTIAL

NOTE THERE ARE NO DWELLINGS  
WITHIN 200.

43.136 SF+  
0.990 A-

MARY \* ALBERT GORMAN  
1719 1/2 CIRCLE ROAD  
20 00010489  
20 00010484  
7239/510  
RESIDENTIAL

APPROX. LOCATION  
OF  
EXISTING DWLG

NOTE: THERE ARE NO DWELLINGS WITHIN 2

EDMUND • SUSAN CASHMUND  
1717 A CIRCLE ROAD  
0908304900  
5288/805  
RESIDENTIAL

090809000  
52801 BOS  
RESIDENTIAL  
K-1

APPROX LOC OF NEIGHBOR'S E.W.G.

FRONT

A

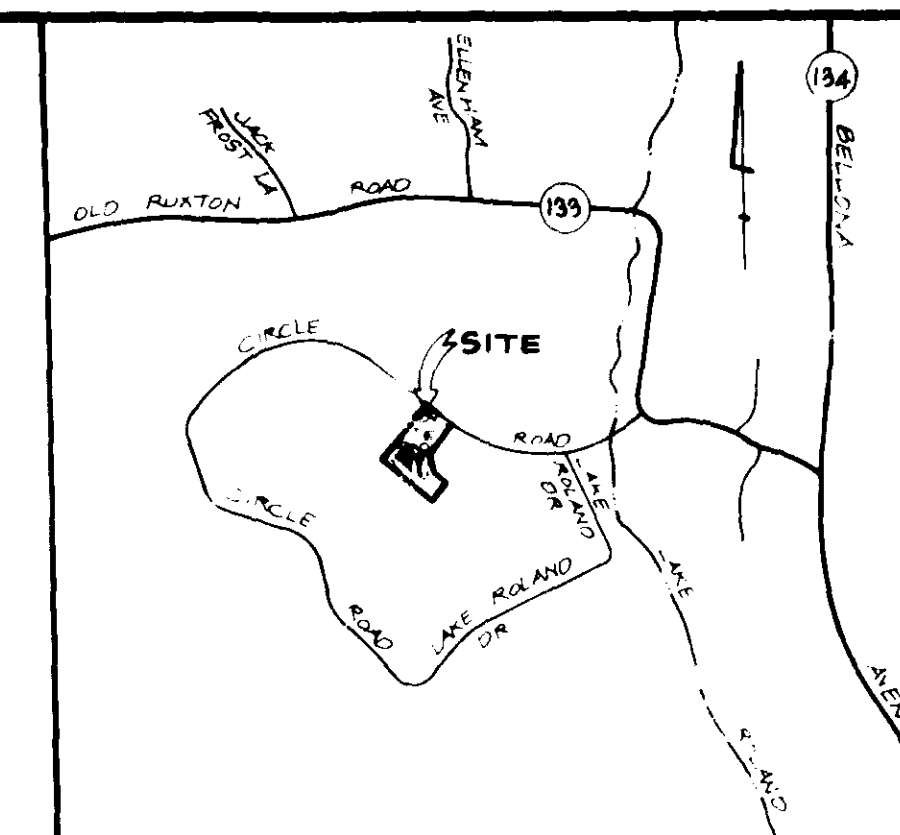
REQUESTING A VARIANCE TO SECTION 1802 3 C 1 TO PERMIT  
A MINIMUM LOT WIDTH AT THE BUILDING LINE OF 114 FEET IN  
LIEU OF THE REQUIRED 150 FOOT MINIMUM.

Engineer: Surveying Real Estate Development  
SHAWAN PLACE S SHAWAN ROAD HUNT VALLEY MARYLAND 21030  
(301) 527-1555

Completed by \_\_\_\_\_  
 Drawn by J.G.K.  
 Checked by J.D.G.  
 Job Number 91-03

James W. McKee Date \_\_\_\_\_  
(Maryland Registered No. 90124)

PETITIONER'S  
SUBMIT 3



### VICINITY MAP

SCALE: 1" = 1000'

**REVISION - 11/8/91**

[illegible]

**REVISED**  
**PLAT TO ACCOMPANY**  
**PETITION FOR ZONING VARIANCES**

**# 1721 CIRCLE ROAD**

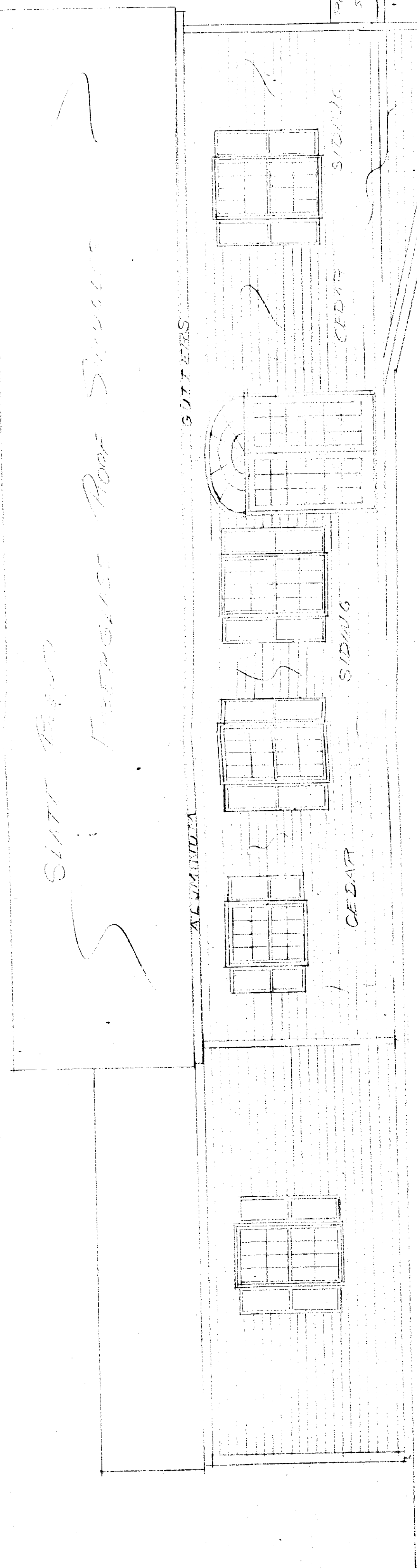
9TH ELECTION DISTRICT  
SCALE: 1"= 30'

BALTIMORE COUNTY, MD  
OCTOBER 11, 1991  
S. 13. 1/2/91

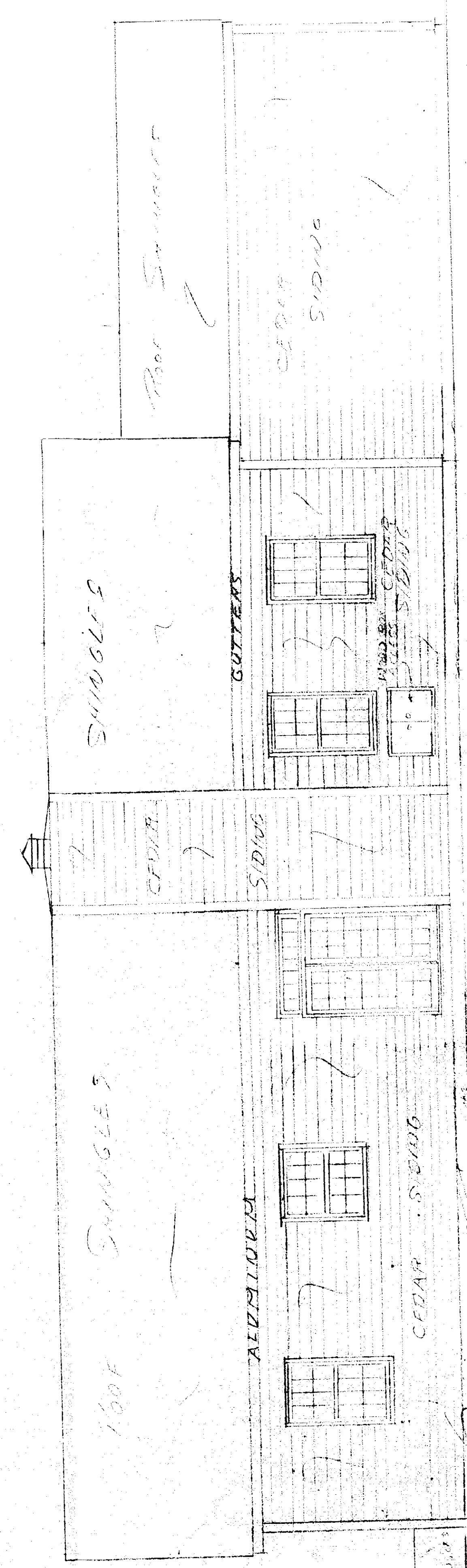
**BEING**  
**LOT TWO**  
**MINOR SUBDIVISION C.R.G. PLAN**  
**LINSEY PROPERTY**  
**MINOR SUBDIVISION PLAN No. 91230MP**

**OWNER**  
**ROBERT & STACY LINDSEY**  
1719 CIRCLE ROAD  
BALTIMORE, MARYLAND 21204  
TAX ACCT. #09-19-391010  
TAX MAP 69 GRID 9 PARCEL 692  
DEED REFERENCE: 7283/500





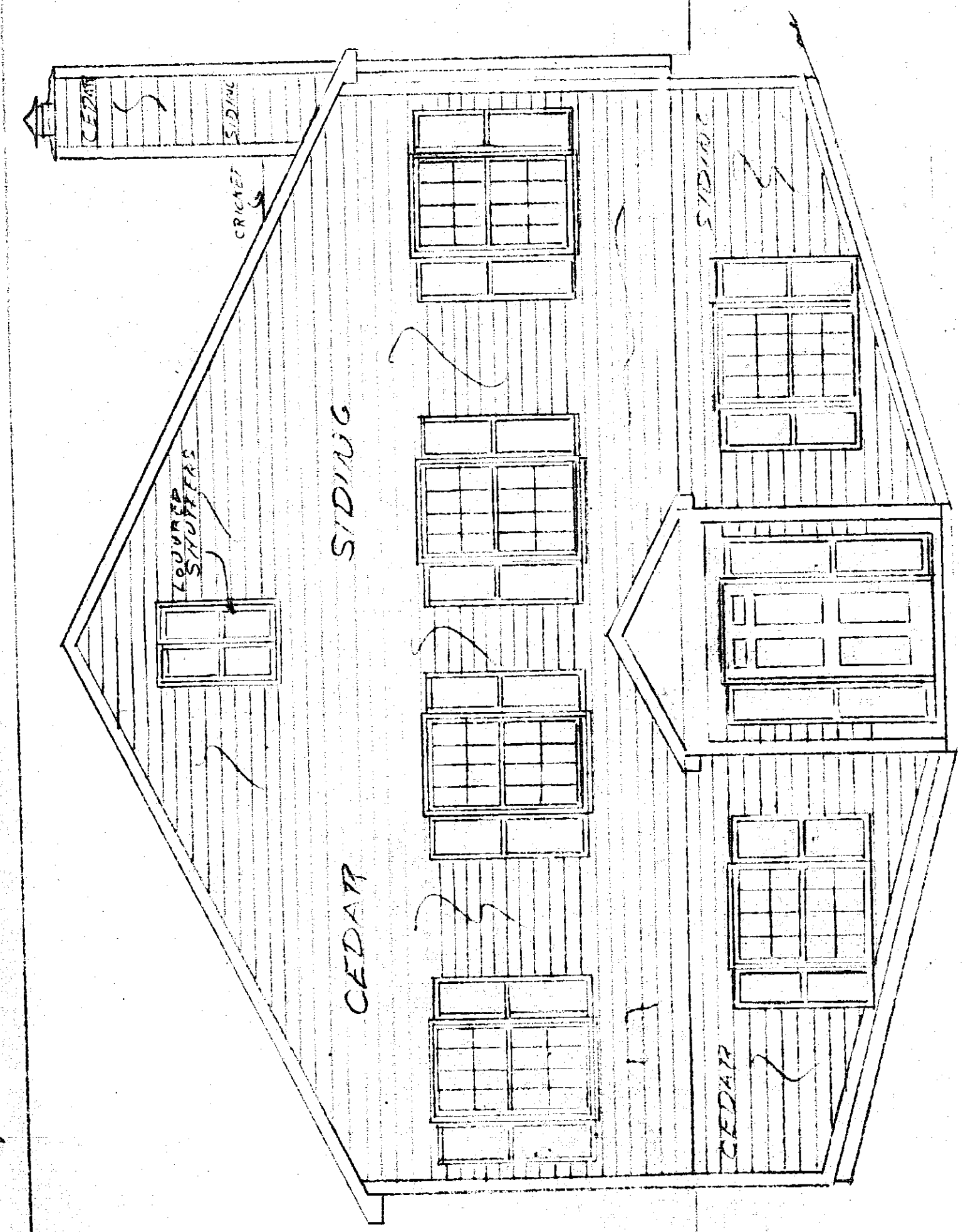
FRONT ELEVATION (EAST)  
SCALE 1/4" = 1'-0"



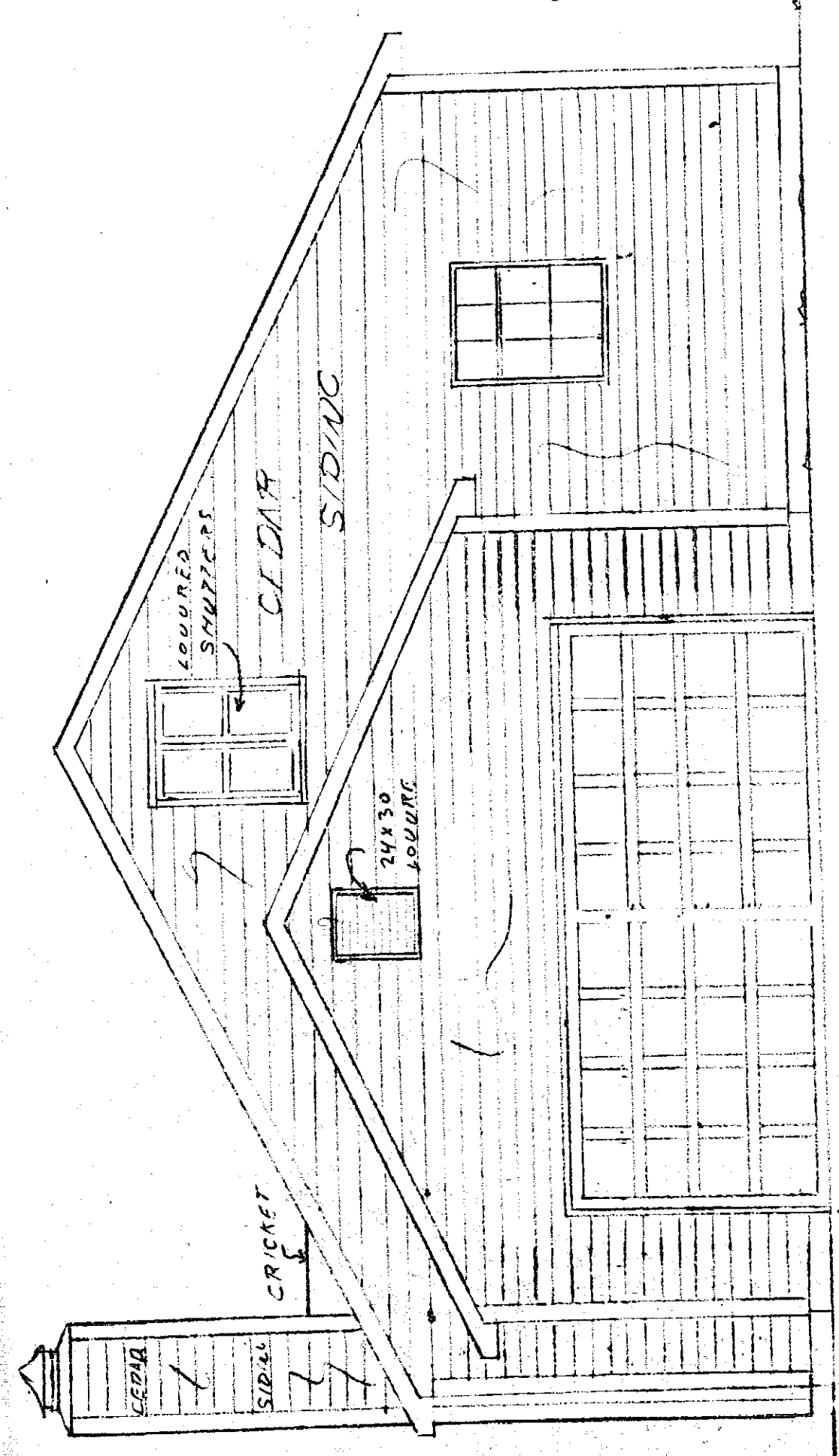
RIGHT SIDE ELEVATION (WEST)  
SCALE 1/4" = 1'-0"

PROPOSED RESIDENCE FOR  
MR. & MRS. F. W. C. C. C.  
1710 CHASE ROAD  
BOSTON, MASS. 14  
9th ELECTION DISTRICT  
BUILDER:  
F. C. BARNUM & SONS, INC.  
101 BARNUM ST.  
BOSTON, MASS. 21204  
PAGE 2 OF 4

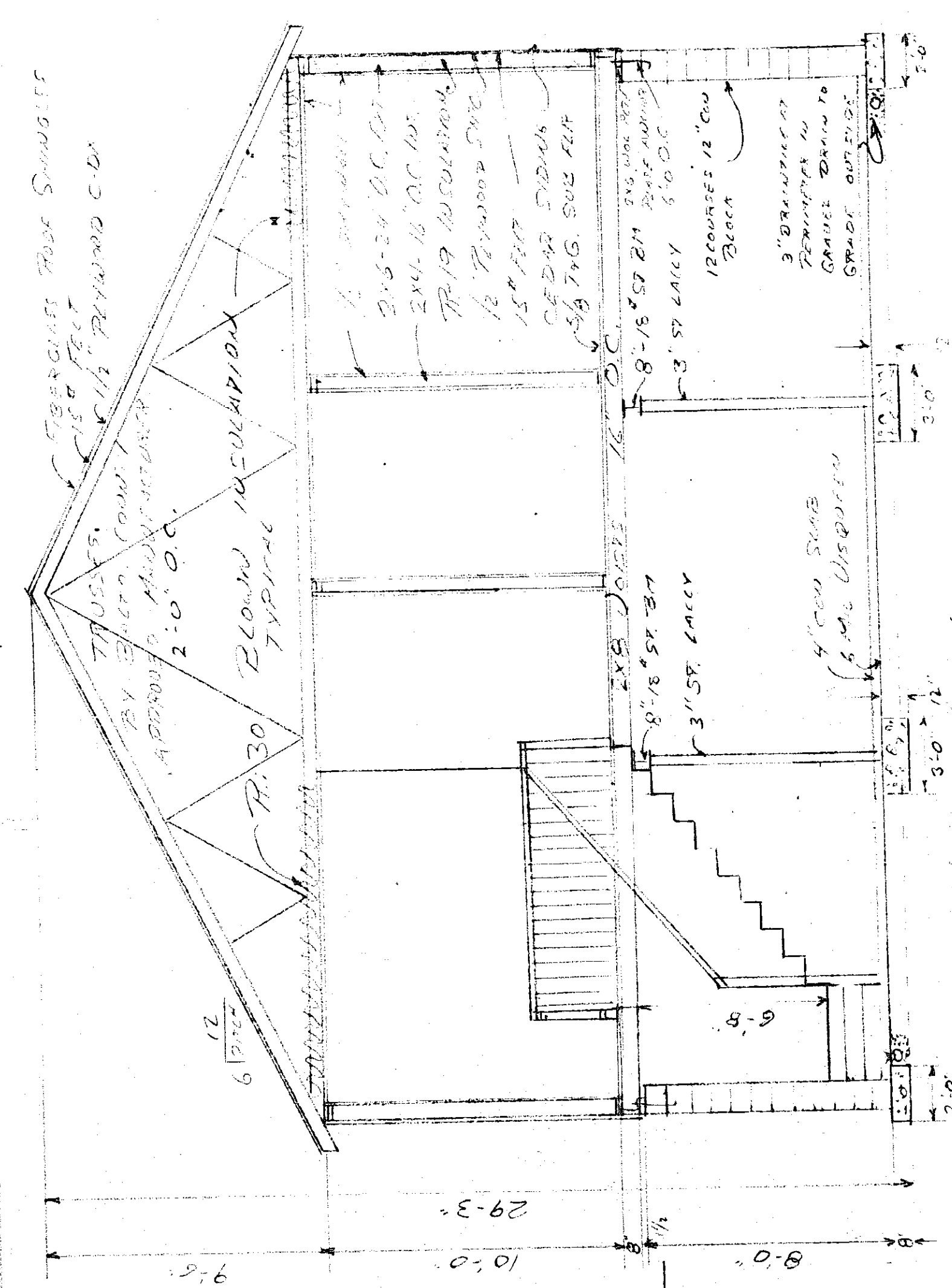
PETITIONER'S  
EXHIBIT SA



FRONT ELEVATION (WEST)  
SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION (EAST)  
SCALE 1/4" = 1'-0"



SECTION - A-A  
SCALE 1/4" = 1'-0"

NOTE:

FRAMING LUMBER: Hem. Fir #2 or Btr  
INSULATION: CEILING 1" R-19  
SIDE WALLS 1" R-19  
CEILING R-13  
CRANK & LOWER WALL

PROPOSED RESIDENCE FOR  
MR. & MRS. F. W. C. C. C.  
1710 CHASE ROAD  
BOSTON, MASS. 14  
9th ELECTION DISTRICT  
BUILDER:  
F. C. BARNUM & SONS, INC.  
101 BARNUM ST.  
BOSTON, MASS. 21204  
PAGE 1 OF 4

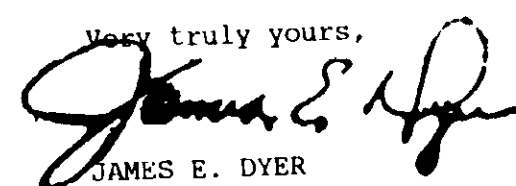
PETITIONER'S  
EXHIBIT SB





2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

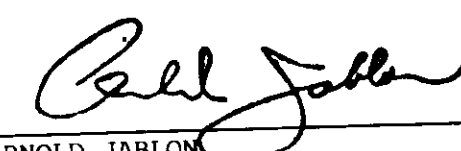
Very truly yours,  
  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

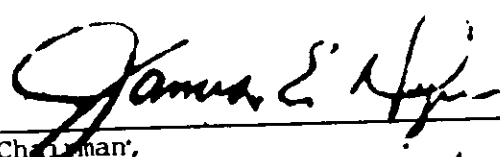
111 West Chesapeake Avenue  
Towson, MD 21204

88-1333

Your petition has been received and accepted for filing this  
16th day of October, 1991.

  
ARNOLD JABLON  
DIRECTOR

Received By:

  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Robert Lindsey  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 12, 1991  
Zoning Administration and  
Development Management  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Lindsey Property, Item No. 194

In reference to the applicant's request, staff offers the following comments:

The Office of Planning does not oppose the request for lot width variance of 114 feet at the front building line in lieu of the required 150 feet. However, it is not clear from the plat dated October 11, 1991, that the front orientation is actually Circle Road. An elevation drawing of the house should be provided which shows the front elevation of the proposed house. If the front orientation is toward the side of the dwelling at 1719 Circle Road, the rear yard of 20' is insufficient. This variance would not be acceptable, a rear yard of 50' is needed.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM194/TXTROZ

OCTOBER 29, 1991

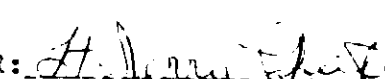
Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ROBERT LINDSEY  
Location: #1721 CIRCLE ROAD  
Item No.: 194 Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:  Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

November 4, 1991

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
FROM: DIVISION OF GROUND WATER MANAGEMENT  
SUBJECT: Zoning Item #194, Zoning Advisory Committee Meeting of  
October 29, 1991, Robert Lindsey, et ux, SW/S Circle Road,  
745' W of centerline Lake Roland Drive (#1721 Circle Road), D-9

COMMENTS ARE AS FOLLOWS:

Prior to subdivision approval, revised plans must be submitted, as requested on September 17, 1991 by this Office.

SSSF:rmp  
194ZNG/GWRMP

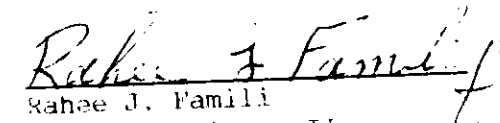
BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
FROM: Rahae J. Famili  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991  
ITEM NUMBER: 190

The existing access off Glider Drive should be narrowed to 25 ft. wide.

  
Rahae J. Famili  
Traffic Engineer II

RJF/lvd

*Rec'd 11/20/91*

RECEIVED  
NOV 8 1991

ZONING OFFICE

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 25, 1991

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204


RE: Property Owner: REVISED DESCRIPTIONS AND PLANS WERE RECEIVED FOR  
CASE #92-184-A ON NOVEMBER 15, 1991

Item No.: 194

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

DRIVEWAY SHALL BE BUILT TO PUBLIC WORKS STANDARDS.

REVIEWER:  Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JP/KEK

RECEIVED  
NOV 29 1991  
ZONING COMMISSIONER

RECEIVED  
ZONING COMMISSIONER

*Robert Lindsey*

RECEIVED  
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: October 29, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for October 29, 1991

The Development Engineering Division has reviewed the subject zoning items and has no comments for items 172, 190, 192, 193, 194, 195, 196, 197, 198, 199, 200 and 202.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Development Engineering Division

RWB:lr

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Fomili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 29, 1991

This office has no comments for item numbers 172, 192, 194, 195, 196, 197, 198, 199, 200 and 202.

*Rahee J. Fomili*  
Rahee J. Fomili  
Traffic Engineer II

RJF/lvd

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

111 West Chesapeake Avenue  
Towson, MD 21204

February 26, 1992

(410) 887-3353

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
SW/S Circle Road, 745' W of the c/l of Lake Roland Drive  
(1721 Circle Road)  
9th Election District, 4th Councilmanic District  
ROBERT LINDSEY, ET UX - Petitioner  
Case No. 92-184-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on January 16, 1992 by J. Carroll Holzer, Attorney on behalf of the Protestants, Mrs. Albert Gorman and Will Gorman. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*[Signature]*  
Zoning Commissioner

LES:cer

Enclosures

cc: Mr. & Mrs. Robert Lindsey, 1719 Circle Road, Baltimore, MD 21204

Newton A. Williams, Esquire - Nolan, Plumbhoff & Williams, Chtd.  
210 West Pennsylvania Avenue, Suite 700, Towson, MD 21204

J. Carroll Holzer - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Suite 105, Towson, MD 21204

Mr. & Mrs. William Gorman - 1201 Sulgrave Avenue, Balto., MD 21209

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL

Petition for Zoning Variance  
SW/S Circle Road, 745' W of the c/l of Lake Roland Drive  
(1721 Circle Road)  
9th Election District - 4th Councilmanic District  
ROBERT LINDSEY, ET UX - Petitioner  
Case No. 92-184-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Exhibits: 1. Revised Plat to accompany petition

2. Revised Plat to accompany petition

3. Existing & proposed dwellings on Plat

4. Photographs

5A. & 5B. Proposed residence

6. Photogrammetric Map

Deputy Zoning Commissioner's Order dated December 12, 1991 (Granted with restrictions)

Notice of Appeal received January 16, 1992 from J. Carroll Holzer, Attorney on behalf of the Protestants

cc: Mr. & Mrs. Robert Lindsey, 1719 Circle Road, Baltimore, MD 21204

Newton A. Williams, Esquire - Nolan, Plumbhoff & Williams, Chtd.  
210 West Pennsylvania Avenue, Suite 700, Towson, MD 21204

J. Carroll Holzer - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Suite 105, Towson, MD 21204

Mr. & Mrs. William Gorman - 1201 Sulgrave Avenue, Balto., MD 21209

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of Zoning Administration  
and Development Management  
Public Services



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180  
Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue March 12, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-184-A ROBERT LINDSEY, ET UX  
SW/S Circle Rd., 745' W of c/l  
Lake Roland Dr. (1721 Circle Rd.)  
9th Election District;  
4th Councilmanic District

VAR- lot width 114' in lieu of required 150'

12/19/91 - D.Z.C.'s Order GRANTING  
Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, JULY 1, 1992 AT 10:00 a.m.

cc: J. Carroll Holzer, Esquire- Counsel for Appellants/Protestants

Mr. and Mrs. William Gorman-

Newton A. Williams, Esquire - Counsel for Petitioners

Mr. and Mrs. Robert Lindsey -

People's Counsel for Baltimore County out on Shirley Hess 5/13/92

P. David Fields  
Public Services

Lawrence E. Schmidt

Timothy M. Kotroco

W. Carl Richards, Jr.

Docket Clerk - Zoning

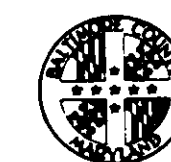
Arnold Jablon, Director of Zoning

Administration

LindaLee M. Kuszmaul  
Legal Secretary

3/12/92 - Following parties notified of hearing set for July 1, 1992 at 10:00 a.m.:

J. Carroll Holzer, Esquire  
Mr. and Mrs. William Gorman  
Newton A. Williams, Esquire  
Mr. and Mrs. Robert Lindsey  
People's Counsel for Baltimore County  
P. David Fields  
Public Services  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

July 21, 1992

J. Carroll Holzer, Esquire  
HOLZER, MAHER & DEMILIO  
305 W. Chesapeake Avenue, Suite 105  
Towson, MD 21204

RE: Case No. 92-184-A  
Robert Lindsey, et ux

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Mr. & Mrs. William Gorman  
Mr. & Mrs. Robert Lindsey  
Newton A. Williams, Esquire  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of  
Zoning Administration

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555  
Facsimile: (301) 527-1563

November 12, 1991

Mr. Mitch Kellman  
Zoning Office  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: 1721 Circle Road  
Item #194  
Case #92-184-A

Dear Mitch:

Attached hereto are 12 revised prints and 5 revised descriptions for the zoning variance request at 1721 Circle Road. The revision was to adjust the lot line between lots one and two to meet the minimum lot sizes for DR-1. The lot sizes were incorrectly labeled on the original plan. The revised lot lines do not in anyway change the requested variance. Please process the information as soon as possible. The hearing is scheduled at 2:00 p.m., November 25th.

Thanking you in advance for your prompt attention with regards to this matter. If you should have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

MCKEE & ASSOCIATES, INC.

*James D. Grammer*  
James D. Grammer, Associate

JDG:ajw

Attachments

cc: Mr. & Mrs. Robert Lindsey  
Mr. Newton Williams, Esquire

92-184-A  
Item # 194



**LAW OFFICES**  
**NOLAN, PLUMHOFF & WILLIAMS**  
 CHARTERED  
 SUITE 700 COURT TOWERS  
 210 WEST PENNSYLVANIA AVENUE  
 TOWSON, MARYLAND 21204-5340  
 TEL: 410-283-1800  
 TELEFAX: 410-296-2769

October 17, 1991  
 Arnold Jablon, Esquire, Director  
 Office of Zoning Administration and  
 Development Management  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204  
 RE: Request for Early Hearing for the Lindsey Property,  
 Item No.: 194, Filed October 16, 1991

Dear Mr. Jablon:

On October 16, on behalf of themselves, and on behalf of Mr. and Mrs. Frank Curran, Jr., Mr. and Mrs. Robert Lindsey have filed a request for a variance of 114 feet for the required 150 feet at the front building line.

The property is located at 1719 Circle Road in the Ruxton area of Towson, and is the subject of a minor subdivision done by McKee and Associates, namely, Mr. Jim Grammer.

Mr. and Mrs. Curran, the parents of Mrs. Lindsey, are proposing to build a very attractive and very appropriate one-story individual home on a 0.93 acre lot being created from a portion of the existing 2-acre Lindsey property at 1719 Circle Road in Ruxton.

The Curran's have sold their Ruxton home this past June, have their furniture in storage, and are presently living in an apartment in the Towson area waiting for this minor subdivision and variance to be hopefully approved.

Time is important, and accordingly we would respectfully ask that your office and the zoning office consider setting this matter for an early hearing.

**Tate INDUSTRIES**  
 Robert L. Tate  
 6th Block W. West Street Baltimore, Maryland 21201-3131 301-539-0787  
 December 2, 1991

Timothy M. Kotroco  
 Deputy Zoning Commissioner  
 Room 113  
 Old Court House  
 400 Washington Avenue  
 Towson, Maryland 21204



Re: Variance Request #92184A - R. Lindsey -  
 1721 Circle Road - Ruxton Maryland

Dear Mr. Kotroco,

Since I was out of town and unable to appear at the scheduled hearing last week, I would like to express my views on this width of building lot variance request.

- Most of the lots on which homes are constructed in the adjacent Circle Road area are considerably larger than the minimum 150 feet width. Property taxes reflect this situation. My home, which is immediately across Circle Road from the proposed construction, has more than a 700 foot lot width (one home on 3.4 acres).
- Lot widths of 114 feet, if permitted here, could change the character of the neighborhood - smaller lots and presumably smaller houses and increased housing density.
- There is no sewage on that side of Circle Road. Since surface water run off follows down a drainage ditch on our property to Roland Run, I can attest to the seepage of septic tanks into surface water. The subsoil in the area is red clay and rock.
- There is a large undeveloped tract contiguous to the west of the lot for which the width variance has been requested. The precedent set by approving this one variance could become justification for requesting similar variances on adjacent property.

PLEASE PRINT CLEARLY  
 PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
John W. Williams	1721 Suburban Ave. Baltimore 21209
by Lindsey	Signature

PLEASE PRINT CLEARLY  
 PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Robert Lindsey	1719 Circle Rd. Towson 21204
Frank Curran Jr.	1719 Circle Rd. Towson 21204
Robert Lindsey	1719 Circle Rd. Towson 21204
Frank Curran Jr.	1719 Circle Rd. Towson 21204
Robert Lindsey	1719 Circle Rd. Towson 21204
Frank Curran Jr.	1719 Circle Rd. Towson 21204
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Robert Lindsey	1719 Circle Rd. Towson 21204
Frank Curran Jr.	1719 Circle Rd. Towson 21204

SIMPSON/GORMAN/ILCHRIST  
 PROPOSED COVENANTS FOR LINDSEY PROPERTY AT 1719 CIRCLE ROAD  
 DRAFT FOR DISCUSSION 3/29/92

These proposed covenants are for discussion only. They are not necessarily in order of priority, and are not necessarily complete. They present Mrs. Gorman's concerns in the protection of her property and needs in the Lindseys' proposed subdivision of the property which she sold to them. They do not represent her support or approval of such subdivision, but are an effort to minimize the financial, personal and esthetic damage to her of such subdivision, and are a good-faith effort to preserve a neighborly relation.

"Lindseys" and "Gorman" include all successors in interest in the subject properties. All covenants shall survive any change in zoning or building or other regulations at any time in the future.

- PRELIMINARY**
- Lindseys to provide to Gorman immediately the following documents.
- Corrected survey map. The map submitted contains basic errors
  - House and site plans, showing all setbacks
  - Sanitary engineers drawing of proposed and or actual septic system.

- PROPOSED COVENANTS**
- Lindseys to reimburse Gorman for cost of semi-annual testing of Gorman's well water. At any time that well water is not acceptable, due to pollution from Lindseys' septic system, Lindseys shall pay cost of a) repair of well or septic system as needed, or b) hooking Gorman up to public water supply. Gorman may choose a) or b). Lindseys shall also reimburse Gorman for damage to Gorman's lawn, trees, stream, shrubs and flowers and house, and for any other damage due to failure of septic system and or repairs to or replacement of same. Lindseys shall pay all cost of medical treatment for any illness of any person arising from pollution of Gorman's well water by their septic system, and shall by this covenant confess judgment for same on a showing of pollution. Such payment shall not release them from liability for further consequential damages to any person.
  - Lindseys to pay all costs for maintenance of driveway on which Gorman has an easement. (immediate damage from construction vehicles, long term damage from increase in usage). They shall maintain the driveway in a good state of repair, remove snow and debris, and keep the driveway open for her use at all times.
  - Lindseys to pay cost of landscaping/planting to screen any new house

1  
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- from view from her house. Gorman shall have the right to select the landscaper and approve the landscaping plan. Cost of such landscaping/planning shall not exceed \$\_\_\_\_\_
- Lindseys may not build any other structure on either property: structure includes house, garage, shed, swimming pool, satellite dish, fence, wall, road, sports facility, hole, mound, or earthwork, and shall be further construed as liberally as possible to include any other man-made object, or any change in topography of more than \_\_\_\_\_ feet
  - Lindseys may not build any additions to the present house ("the big house") for as long as descendants of Simpsons live on Gorman property. (N.B. load on septic system) "Addition" means any breaking through of the present exterior skin in any plane
  - Lindseys shall immediately submit architectural and site plans for proposed house to Gorman and shall warrant the following:
    - total square footage -- elimination of garage? presently 2,000 sq ft?
    - provision of adequate "off-street" parking so as not to interfere with Gorman's easement
    - distance from edge of Gorman easement -- minimum of \_\_\_\_\_ feet.
    - total number of bedrooms, bathrooms.
 Any change in such plans as submitted must be approved by Gorman. Lindseys shall be liable for money damages for any violation, and for money compensation for any change to which she consents. Such amounts to be ???
  - Lindseys may not build any additions to the proposed house after approval of the plan by Gorman for as long as descendants of Simpsons live on Gorman property. (N.B. load on septic system) "Addition" means any breaking through of the present exterior skin in any plane
  - Lindseys may not move (or widen) that portion of the existing driveway on which Gorman has an easement.
  - Lindseys may not sell the properties, including both houses, except as a single unit and to a single buyer, and that buyer shall be bound by all the covenants herein, for as long as descendants of Simpson own any interest in the Gorman property. This covenant does not apply to sale to descendants of Simpson.
  - Lindseys must offer first right of refusal to buy either or both Lindsey houses to all descendants of Simpson (through grandchildren?).
  - Lindseys may not allow any person or persons other than parents of one of them to live in any new house for as long as any of their parents is living.
  - Gorman has right to sell right of way



A. Zoning Notice Sign - 1719/1721 Circle Rd.



B. Lindsey Home at 1719 Circle Rd. looking S from road.

**PETITIONER'S EXHIBIT 4**



C. Looking SE on Circle Rd. from driveway



E. Looking SE at Gorman home from driveway



D. Looking NW on Circle Rd. from driveway

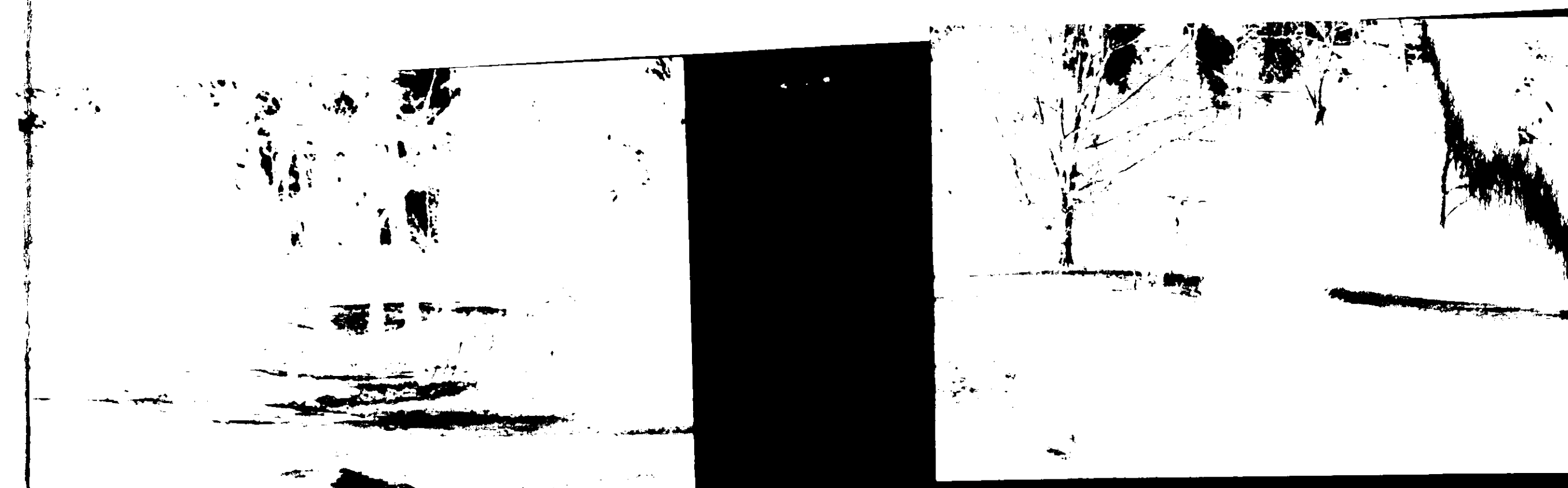


F. Looking W at "lower" house site from driveway





6. "Upper" house site on Lindsey  
Property



2. Looking SW from driveway toward  
Cashmere property



EXHIBIT 9  
PETITIONER'S

BALTIMORE COUNTY

~~OFFICE OF PLANNING AND ZONING~~



1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Map Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*Don E. B.*  
Chairman, County Council  
92-184-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

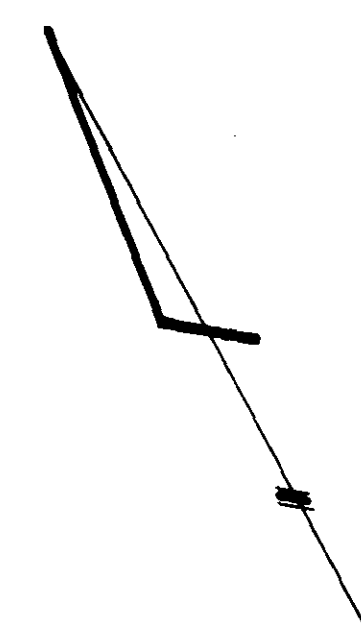
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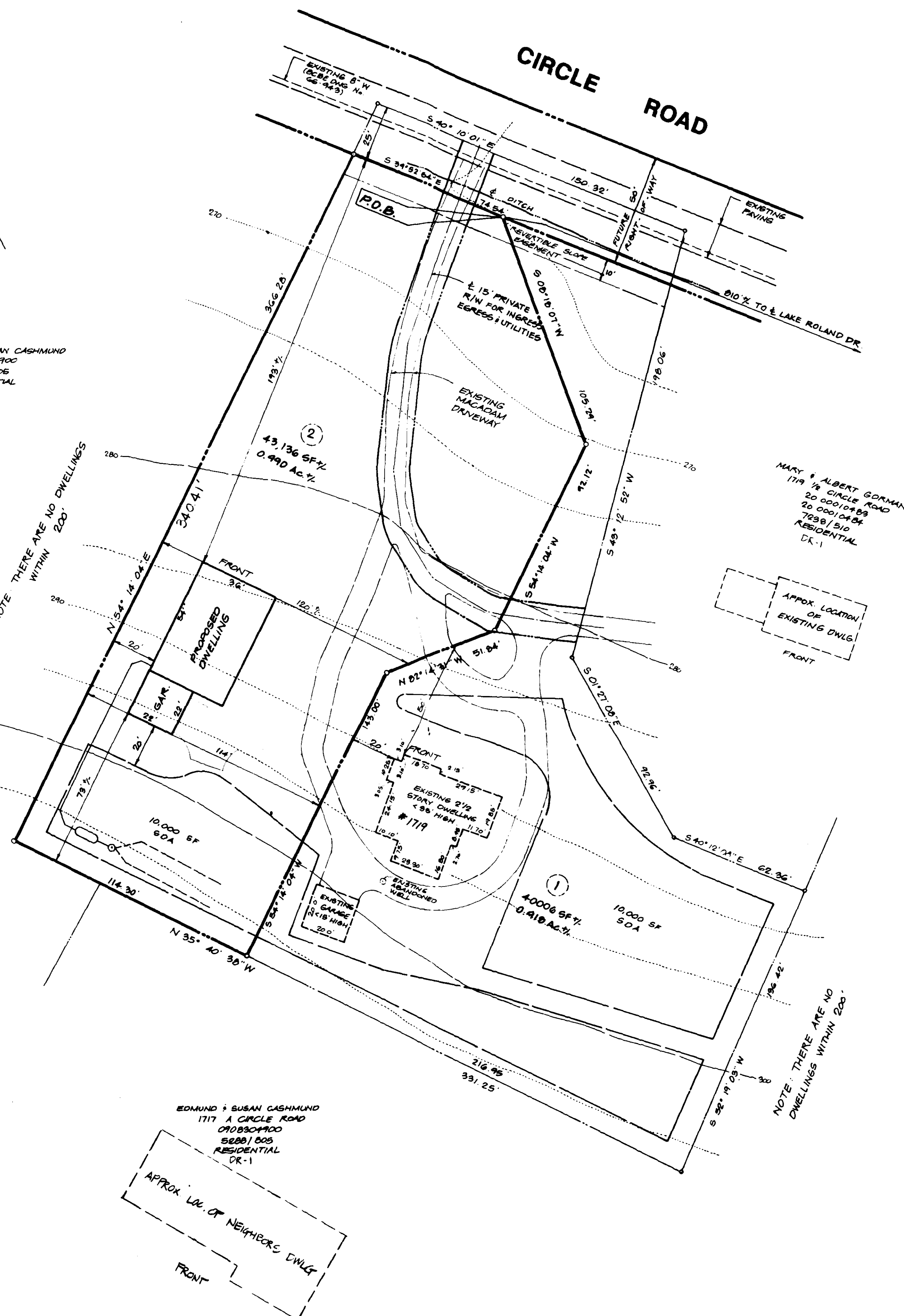
# GENERAL NOTES

1. THIS SITE LIES WITHIN COUNCILMANIC DISTRICT 4.
2. THERE HAVE BEEN NO PRIOR ZONING HEARINGS.
3. THIS SITE IS SERVED BY PUBLIC WATER AND PRIVATE SEPTIC.
4. EXISTING ZONING IS DK-1.



EDMUND & SUSAN CASHMUND  
0708304700  
5280/505  
RESIDENTIAL  
DK-1

NOTE: THERE ARE NO DWELLINGS  
WITHIN 200'

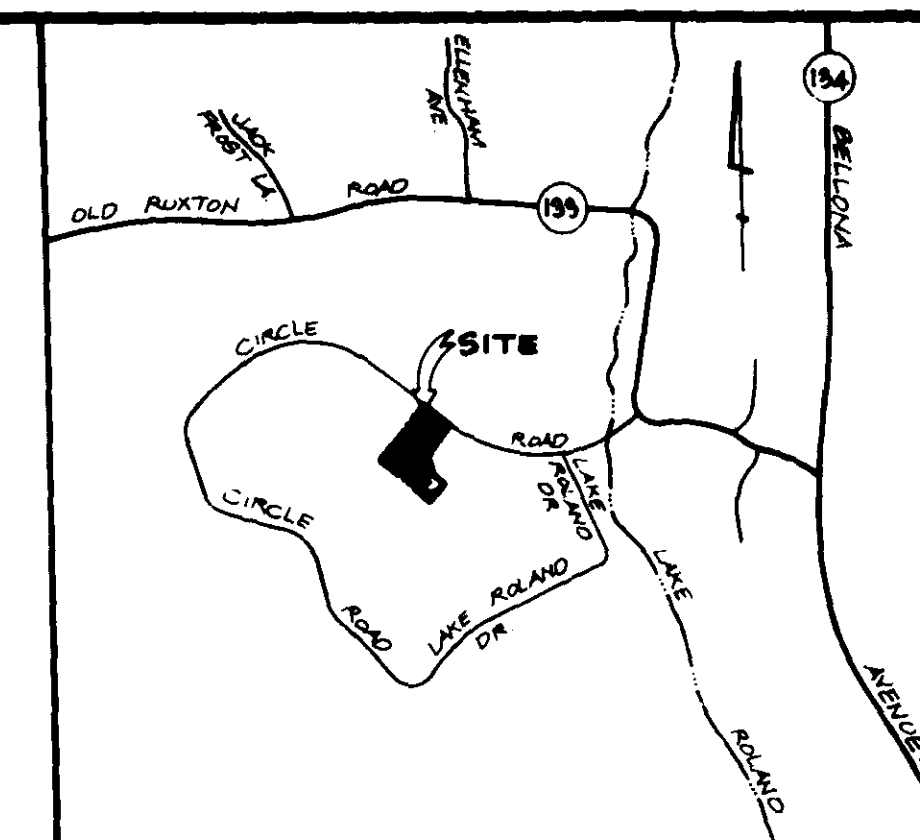


EDMUND & SUSAN CASHMUND  
1717 A CIRCLE ROAD  
0708304700  
5280/505  
RESIDENTIAL  
DK-1

MARK & ALBERT GORMAN  
1717 A CIRCLE ROAD  
20 000/10488  
7838/510  
RESIDENTIAL  
DK-1

## REQUESTED VARIANCE

REQUESTING A VARIANCE TO SECTION 1802.3.2.1 TO PERMIT  
A MINIMUM LOT WIDTH AT THE BUILDING LINE OF 114 FEET IN  
LIEU OF THE REQUIRED 150 FOOT MINIMUM.



VICINITY MAP  
SCALE: 1"= 1000'

## REVISION - 11/8/91

REVISED TO SHOW LOT LINE ADJUSTMENT  
TO MEET MINIMUM LOT AREA REQUIREMENTS.  
NO CHANGE TO THE VARIANCE REQUEST IS  
REQUIRED.

REVISED PLANS 11/15/91

92-184-A  
Item # 194

## PETITIONER'S EXHIBIT 1

REVISED  
PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCES

## # 1721 CIRCLE ROAD

9TH ELECTION DISTRICT  
SCALE: 1"= 30'

BALTIMORE COUNTY, MD.  
OCTOBER 11, 1991  
REVISED 11/8/91

BEING  
LOT TWO  
MINOR SUBDIVISION CRG. PLAN  
LINDSEY PROPERTY  
MINOR SUBDIVISION PLAN No. 91230MP

### OWNER

ROBERT & STACY LINDSEY  
1719 CIRCLE ROAD  
BALTIMORE, MARYLAND 21204  
TAX ACCT. #09-19-391010  
TAX MAP 89 GRID 9 PARCEL 692  
DEED REFERENCE: 7283/500

## McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development  
SHAWAN PLACE, S SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
(301) 527-1555

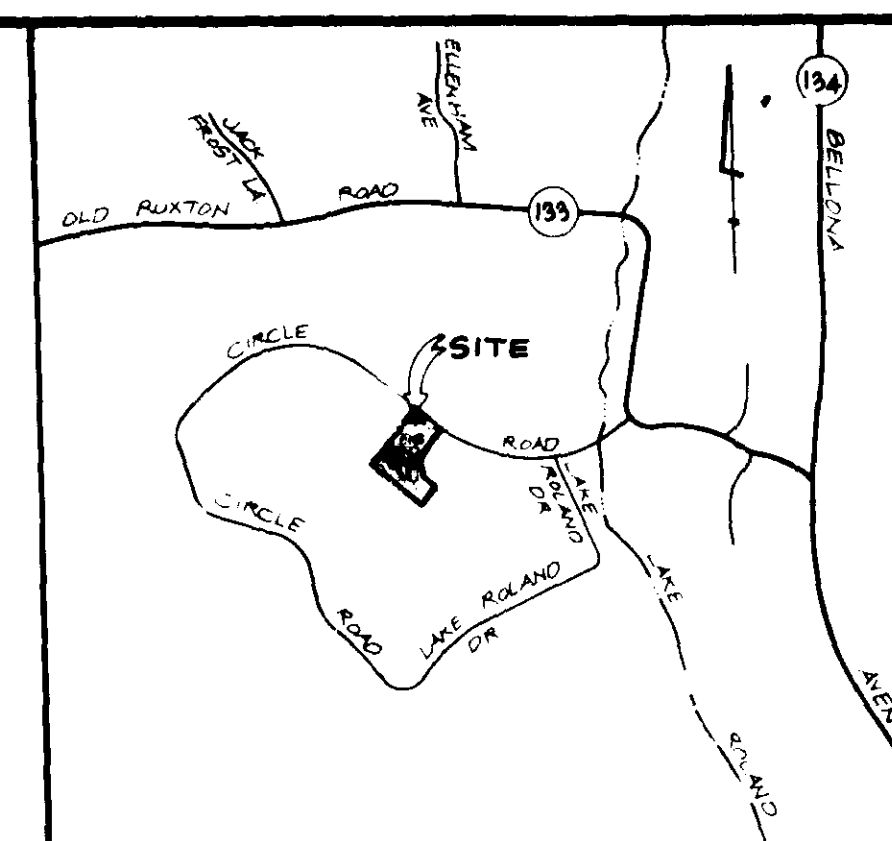
Computed by \_\_\_\_\_  
Drawn by J.G.K.  
Checked by J.D.G.  
Job Number: 91-03

James W. McKee Date \_\_\_\_\_  
(Maryland Registered No. 9012)

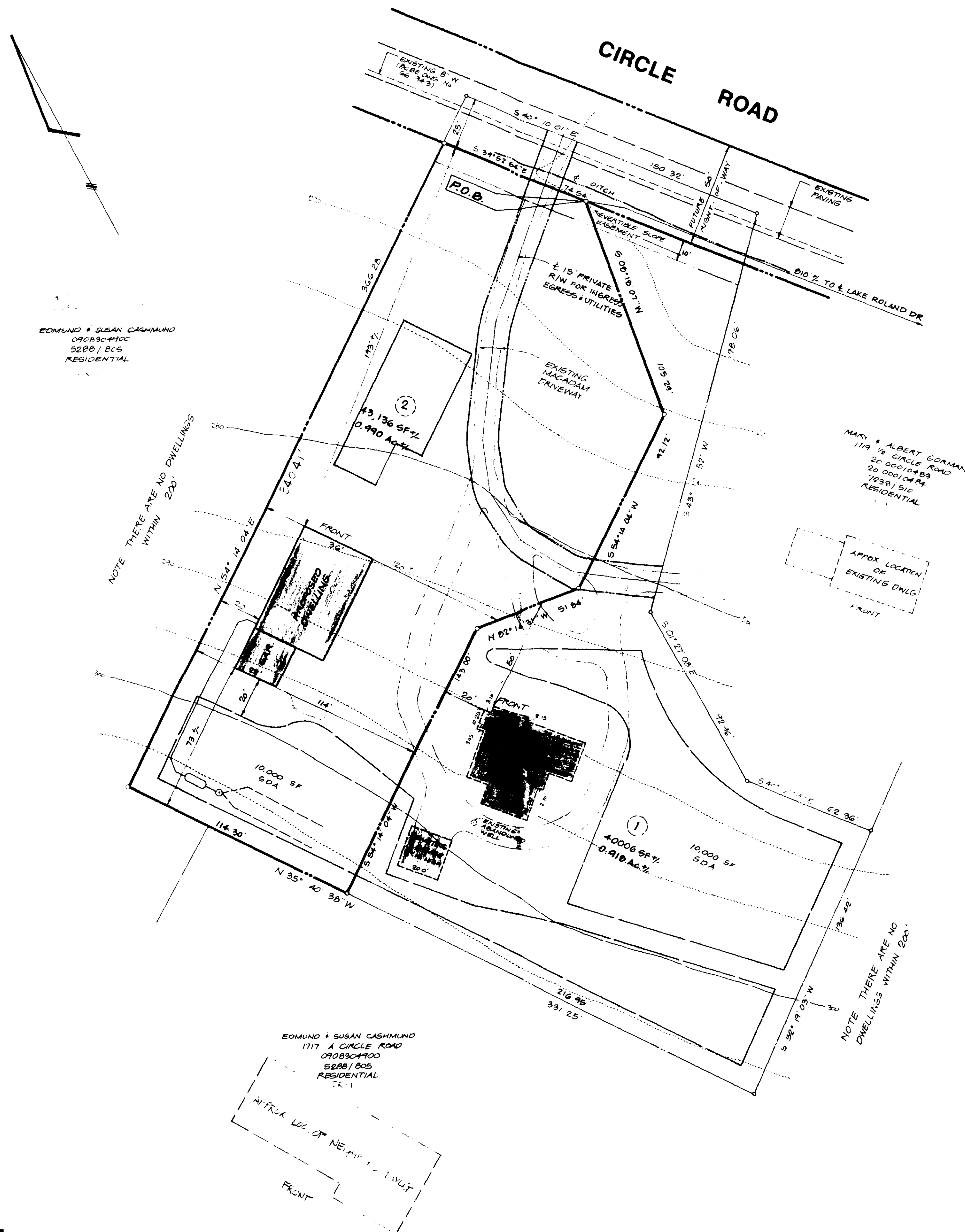
# GENERAL NOTES

1. THIS SITE LIES WITHIN COUNCILMANIC DISTRICT 4
2. THERE HAVE BEEN NO PRIOR ZONING HEARINGS
3. THIS SITE IS SERVED BY PUBLIC WATER AND PRIVATE SEPTIC
4. SEE PLAN SHEET 91-03

## PETITIONER'S EXHIBIT 7



VICINITY MAP  
SCALE: 1"= 1000'



REVISION - 11/8/91

### REQUESTED VARIANCE

REQUESTING A VARIANCE TO SECTION 1802 9.C.1 TO PERMIT A MINIMUM LOT WIDTH AT THE BUILDING LINE OF 114 FEET IN LIEU OF THE REQUIRED 150 FOOT MINIMUM.

REVISED  
PLAT TO ACCOMPANY  
PETITION FOR ZONING VARIANCES

# 1721 CIRCLE ROAD

9TH ELECTION DISTRICT  
SCALE: 1"= 30'

BALTIMORE COUNTY, MD  
OCTOBER 11, 1991

BENG  
LOT TWO  
MINOR SUBDIVISION C.R.G. PLAN  
LINDSEY PROPERTY  
MINOR SUBDIVISION PLAN No. 91230MP

OWNER  
ROBERT & STACY LINDSEY  
1719 CIRCLE ROAD  
BALTIMORE, MARYLAND 21204  
TAX ACCT. #09-19-391010  
TAX MAP 69 GRID 9 PARCEL 692  
DEED REFERENCE: 7283/500

## McKEE & ASSOCIATES, INC.

Engineers & Surveyors - Real Estate Development  
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
(301) 527-1555

Completed by J.G.K.  
Drawn by J.D.G.  
Checked by J.D.G.  
Job Number 91-03

James W. McKee Date  
(Maryland Registered No. 9012)